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SLR:dm 11/21/03 236374  
PATENTAttorney Reference Number 7013-54358  
Application Number 09/641,540

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re application of:****Santosh Misra and Malinee Chatthai****Application No. 09/641,540****Filed: August 18, 2000****Confirmation No.****For: PLANT-GENE PROMOTER AND  
METHODS OF USING THE SAME****Examiner: Teresa E. Strzelecka****Art Unit: 1637****Attorney Reference No. 7013-54358****CERTIFICATE OF MAILING**

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on First Class Mail in an envelope addressed to: MAIL STOP PETITION, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Attorney  
for Applicant(s)

Date Mailed

November 26 2003

MAIL STOP PETITION  
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P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450**DECLARATION OF INVENTOR PURSUANT TO PETITION TO CORRECT  
INVENTORSHIP UNDER 37 CFR § 1.48(a)**

Sir:

I, Malinee Chatthai, declare that it was an error not to name me as inventor of one or more inventions claimed in the above-referenced application, and that the error in failing to name me as an inventor arose without any deceptive intention on my part.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that those statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 11/24/03

By:

Malinee Chatthai



MR. do 11/21/03 236374  
PATENT

Attorney Reference Number 7013-54358  
Application Number 09/641,540

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Santosh Misra and Malinee Chatthai

Application No. 09/641,540

Filed: August 18, 2000

Confirmation No.

For: PLANT-GENE PROMOTER AND  
METHODS OF USING THE SAME

Examiner: Teresa E. Strzelecka

Art Unit: 1637

Attorney Reference No. 7013-54358

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Attorney  
for Applicant(s)

Date Mailed

November 26, 2003

MAIL STOP PETITION  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

DECLARATION OF INVENTOR PURSUANT TO PETITION TO CORRECT  
INVENTORSHIP UNDER 37 CFR §.48(a)

Sir:

I, Santosh Misra, declare that it was an error not to name Malinee Chatthai as inventor of  
one or more inventions claimed in the above-referenced application, and that the error in failing  
to name her as an inventor arose without any deceptive intention on my part.

I hereby declare that all statements made herein of my own knowledge are true and that  
all statements made on information and belief are believed to be true; and further that these  
statements were made with the knowledge that willful false statements and the like so made are  
punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States  
Code and that such willful false statements may jeopardize the validity of the application or any  
patent issued thereon.

Dated:

NOV 25<sup>th</sup> 03

By:

Santosh Misra

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Attorney Reference Number 7013-54358  
Application Number 09/641,54011/21/03 236377  
PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## In re application of:

Santosh Misra and Malinee Chatthai

Application No. 09/641,540

Filed: August 18, 2000

Confirmation No.

For: PLANT-GENE PROMOTER AND  
METHODS OF USING THE SAME

Examiner: Teresa E. Strzelecka

Art Unit: 1637

Attorney Reference No. 7013-54358

## CERTIFICATE OF MAILING

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Attorney  
for Applicant(s)

Date Mailed November 26, 2003

MAIL STOP PETITION  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450ASSENT OF ASSIGNEE TO  
ADDITION OF INVENTOR UNDER 37 CFR § 1.48(a)

Sir:

University of Victoria Innovation and Development Corporation is the Assignee of the entire right, title and interest in the above-identified patent application, as evidenced by the Assignment recorded in the U.S. Patent and Trademark Office on October 20, 2000, at Reel 11215, Frames 253-257 and by the attached Assignment signed by Malinee Chatthai.

Assignee hereby assents to the correction of inventorship filed herewith.

I am authorized to act on behalf of University of Victoria Innovation and Development Corporation and the title of my position with University of Victoria Innovation and Development Corporation is BUSINESS DEV. MANAGER

University of Victoria Innovation  
and Development CorporationDated: Nov 28 / 2003By: [Signature]  
Name: BRENT STERNIG  
Title: BUSINESS DEVELOPMENT MANAGER

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**RECORDATION FORM COVER SHEET - PATENTS ONLY**

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1. Total number of pages including cover sheet, attachments and document: 3

2. Name of Conveying Party(ies) and Execution Date(s) of Document(s) ☐ Check here if additional name(s) attached  
 Name(s): Malinee Chatthai  
 Execution Date(s): November 24, 2003

3. Name and address of receiving party ☐ Check here if additional name(s) & address(es) are attached  
 Name University of Victoria Innovation and Development Corporation  
 Address P.O. Box 3075, R Hut, McKenzie Avenue  
 Victoria, British Columbia V8W 3W2 Canada

4. Nature of Conveyance  
☒ Assignment ☐ Merger ☐ Security Agreement ☐ Name Change ☐ Other:

5. Total number of applications and patents involved: 1

6. Total fee authorized to be charged to deposit account 02-4550 (37 C.F.R. § 3.41): \$40.00

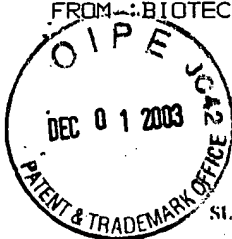
7. ☒ Check here if any deficiency/overpayment is authorized to be charged to deposit account 02-4550

8. Enter either the Execution date (of the Declaration and Power of Attorney), Application Number, or the Patent Number. Do not enter more than one number for the same patent.

- A. ☐ This document is being filed with a new application. Execution date is: \_\_\_\_\_  
 B. ☒ Patent Application No.(s) or Patent No.(s): 09/641,540  
☐ Check here if additional numbers are attached

9. Correspondent's name, address, and telephone number

Sheree Lynn Rybak, Ph.D.  
 Klarquist Sparkman, LLP  
 One World Trade Center, Suite 1600  
 121 S.W. Salmon Street  
 Portland, Oregon 97204-2988  
 Telephone: 503-226-7391



SLR:dm 11/21/03 236557

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Attorney Ref. No. 7013-54358

### COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled PLANT-GENE PROMOTER AND METHODS OF USING THE SAME, the specification of which

- ☐ is attached hereto.
- ☒ was filed on August 18, 2000 as United States Patent Application No. 09/641,540.
- ☐ was described and claimed in PCT International Application No. \_\_\_\_\_, filed on \_\_\_\_\_, and as amended under PCT Articles 19 on \_\_\_\_\_ (if applicable).
- ☐ and was amended on \_\_\_\_\_ (if applicable).
- ☐ with amendments through \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56. If this is a continuation-in-part application filed under the conditions specified in 35 U.S.C. § 120 which discloses claims and subject matter in addition to that disclosed in the prior copending application, I further acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the applications(s) on which priority is claimed:

Number	Country	Day/Month/Year Filed	Claim Priority?
			<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number	Filing Date

SLR:dm 11/21/03 236557

Attorney Ref. No. 7013-54358

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) or § 365(c) of any PCT international application(s) designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number	Filing Date	Status: patented, pending, abandoned
--------------------	-------------	--------------------------------------

I hereby appoint the practitioners associated with the customer number provided below to prosecute this application, to file a corresponding international application, and to transact all business in the Patent and Trademark Office connected therewith:

### Customer Number 24197

Name	Reg. No.	Name	Reg. No.
ANDON, Christopher L.	51,406	MC LEOD, Richard D.	46,921
BAKER, Theodore W.	53,961	MAURER, Gregory L.	43,781
BIBLE, Patrick M.	44,423	NOONAN, William D.	30,878
BUNKER, Gillian	47,461	PETERSEN, David P.	28,106
CALDWELL, Lisa M.	41,653	POLLEY, Richard J.	28,107
CARLSON, Anne	47,472	RINEHART, Kyle B.	47,027
CASH, David	52,706	RUPERT, Wayne W.	34,420
GIRARD, Michael P.	38,467	RYBAK, Sheree L.	47,913
GOFF, Jared S.	44,716	SIEGEL, Susan Alpert	43,121
GORDON, Debra A.	54,128	SLATER, Stacey C.	36,011
HAENDLER, Jeffrey B.	43,652	STEPHENS Jr., Donald L.	34,022
HARDING, Tanya M.	42,630	STUART, John W.	24,540
HAYES, Kevin M.	54,158	VANDENBERG, John D.	31,312
JAKUBEK, Joseph T.	34,190	WAGNER, Justin D.	54,519
JONCUS, Stephen J.	44,809	WHINSTON, Arthur L.	19,155
JONES, Michael D.	41,879	WIGHT, Stephen A.	37,759
KLARQUIST, Kenneth S.	16,445	WINN, Garth A.	33,220
KLITZKE II, Ramon A.	30,188	YOUNG, Travis	53,819
LEIGH, James S.	20,434	ZASTROW, Devon J.	50,206

I hereby grant the law firm of Klarquist Sparkman, LLP, the power to insert on this Combined Declaration and Power of Attorney any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for submitting this document.

Address all telephone calls to Sheree Lynn Rybak, Ph.D. at telephone number (503) 226-7391.

Address all correspondence to the address associated with the customer number provided below:

### Customer Number 24197

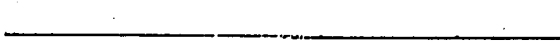
SLR:dm 11/21/03 236557


Attorney Ref. No. 7013-54358

The correspondence address associated with the customer number provided above is:

Klarquist Sparkman, LLP  
121 S.W. Salmon Street, Suite 1600  
Portland, OR 97204

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

<b>Name of First or Sole Inventor:</b>	Santosh Misra
<b>Residence:</b>	Victoria, BC, Canada
<b>Mailing Address:</b>	University of Victoria Innovation and Development Corporation Department of Biochemistry and Microbiology Petch Building Victoria, BC V8W 3P6 CANADA
<b>Citizenship:</b>	Canada
<b>Inventor's Signature</b>	
<b>Date</b>	

<b>Name of Second Inventor:</b>	Malinee Chattai
<b>Residence:</b>	Bangkok, Thailand
<b>Mailing Address:</b>	665 Charansanitwong Rd., Bangbunrhu, Bangplad, Bangkok 10700 THAILAND
<b>Citizenship:</b>	THAILAND
<b>Inventor's Signature</b>	
<b>Date</b>	11/24/03